

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

OAKLAND UNIFIED SCHOOL  
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2010110714

ORDER GRANTING EXTENSION FOR  
FILING PREHEARING CONFERENCE  
STATEMENTS AND DENYING  
REQUEST FOR STATUS  
CONFERENCE

On January 7, 2011, District filed a joint request for an extension of time to file prehearing conference statements and a status conference. The parties are in the process of settling the matter and expect to sign a settlement agreement in a short period of time. A prehearing conference is scheduled for January 12, 2011.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

OAH has reviewed the request for good cause and the request is:

☒ Granted in part. The request for an extension of time to file prehearing conference statements is granted. Prehearing conference statements must be filed by noon on January 11, 2011.

☒ Denied in part. The request for a status conference on January 11, 2011, is denied. A status conference is not scheduled in the circumstances presented here.

IT IS SO ORDERED.

Dated: January 10, 2011

/s/

JUDITH A. KOPEC  
Presiding Administrative Law Judge  
Office of Administrative Hearings